IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 21172 of 2004(S)

PETITIONER:

R.PUSHPANGADAN, WORKING AS LASCAR TO
TRAIN SUPERINTENDENT, KERALA EXPRESS,
STATION MANAGAER'S OFFICE, SOUTHERN RAILWAY,
TRIVANDRUM, RESIDING AT SINI VIHAR,
CHERUKUNNU, VARKALA P.O., THIRUVANANTHAPURAM
DISTRICT.

BY ADV. SRI.N.ANILKUMAR

RESPONDENTS:
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1. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF RAILWAYS (RAILWAY BOARD),
NEW DELHI.

2. THE CHIEF PERSONNEL OFFICER,
SOUTHERN RAIWAY, CHENNAI 600 003.

3. THE SENIOR DIVISIONAL PERSONNEL
OFFICER, SOUTHERN RAILWAY,
TRIVANDRUM 695 014.

BY ADV. SRI.K.V.SADANANDA PRABHU,SR.SC.RAILWAYS
SRI.SUBAL J.PAUL, SC, RAILWAYS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.21172/2004 - APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF ORDER DATED 30.7.2003 IN O.A. NO.657/2001 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM.

EXT.P2 - TRUE COPY OF O.A. NO.657/2001 WITH ANNEXURES.

EXT.P3 - TRUE COPY OF REPLY AFFIDAVIT FILED IN O.A.NO.657/2001

EXT.P4 - TRUE COPY OF REJOINDER FILED IN O.A. NO.657/2001.

RESPONDETNS' EXHIBITS: NIL.

(TRUE COPY)

vaa PS TO JUDGE

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No. 21172 of 2004 S

Dated this the 21st day of March, 2007

Judgment

Koshy, J.

This writ petition is filed challenging Ext.P1 order of the Central Administrative Tribunal allowing the petitioner's claim for protection of Group 'C' cadre and pay and allowances applicable to Group 'C' cadre. Petitioner produced an order of the Government of India, Ministry of Railways No.E (NG)I/2004/RE-3/9 dated 31.5.2005 by which medically decategorised persons like petitioner are entitled to the benefits and there is also a direction in the above order for reviewing the earlier order. In the above circumstances, this writ petition is disposed of without prejudice to the rights of the petitioner in approaching the authorities for implementation of the order dated 31.5.2005 and reviewing his case and also with liberty to file a review petition before the Central Administrative Tribunal so that this can be brought to the notice of the Central Administrative Tribunal. In view of the special

conditions, review petition can be filed within one month from the date of receipt of a copy of this judgment.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.21172/2004 S

Judgment

Dated:21st March, 2007